

FILED**UNITED STATES DISTRICT COURT**UNITED STATES DISTRICT COURT
ABUQUERQUE, NEW MEXICO

for the

DEC 11 2017

State and District of New MexicoUnited States of America
v.**MATTHEW J. DYKMAN**
CLERKCase No. 17-mj-3350JEROME DAYZIE
*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 12/09/2017 in the county of San Juan in the
State and District of New Mexico, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
Title 18 U.S.C. Section 1112	Involuntary Manslaughter
Title 18 U.S.C. Section 1153	Crimes Occurring in Indian Country
NMSA 66-8-102	Driving under the influence of intoxicating liquor
NMSA 66-8-113	Reckless Driving

This criminal complaint is based on these facts:
See attached affidavit☒ Continued on the attached sheet.*Complainant's signature*

Special Agent Kalon Fancher

Printed name and title

Sworn to before me and signed in my presence.

Date: 12/11/2017*Judge's signature*City and state: Farmington, NM

B. Paul Briones U.S. Magistrate Judge

Printed name and title

KTN/AUSA

NEW MEXICO

ALBUQUERQUE, NEW MEXICO

State of New Mexico)

County of San Juan)

AFFIDAVIT IN SUPPORT OF ARREST WARRANT

I, Kalon Fancher being duly sworn, hereby, depose and state as follows:

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been employed in that capacity since February 2012. I am currently assigned to the Albuquerque Division of the FBI, and have primary investigative responsibility in violent crimes occurring in Indian Country such as robbery, aggravated assaults, assaults on Federal Officers, and homicide.
2. The information set forth in this affidavit has been derived from an investigation conducted by SA Kalon Fancher, Farmington Resident Agency of the FBI , Criminal Investigators (CI) of the Navajo Department of Criminal Investigations (NDCI), and/or communicated to me by other sworn law enforcement officers as well as witnesses. The following information does not contain all items known to me but rather is used to establish sufficient probable cause for the crime of Involuntary Manslaughter that occurred in the special jurisdiction of Indian Country.

RELEVANT STATUTES

3. This investigation concerns an alleged violation of :

Title 18 U.S.C. Section 1112 Involuntary Manslaughter

Title 18 U.S.C. Section 1153 Crimes Occurring in Indian Country

NMSA 66-8-102 Driving under the influence of intoxicating liquor

NMSA 66-8-11 Reckless Driving

PROBABLE CAUSE

4. On December 09, 2017, at approximately 4:34 p.m. Criminal Investigator (CI) Wilson Charlie, NDCI Shiprock, was notified the FBI of a male, who was subsequently identified as M.J. , Y.O.B. 1980 (hereinafter be identified as JOHN DOE-1) who was the back seat passenger of a 2002 Ford Explorer (V-1) that collided with a vehicle parked on the side of the road. JOHN DOE-1 was ejected from the vehicle and subsequently died from the injuries he sustained from the accident. (V-1) was driven by JEROME DAYZIE, Y.O.B. 1973 (hereinafter referred to as DAYZIE). The incident occurred approximately 1 mile west of New Mexico Highway 491 on Route 13 near Shiprock, NM, which is located within the exterior boundaries of the Navajo Nation Indian Reservation in the state of New Mexico. The decedent was an enrolled member of the Navajo Nation Indian Tribe.
5. Affiant spoke to DAYZIE who was advised of his Miranda Rights and agreed to speak to your Affiant. DAYZIE stated on December 09, 2017 JOHN DOE-1 wanted to "go into town to so he can buy some 40's." DAYZIE stated he drove JOHN DOE-1 and DAYZIE's wife to Cortez, CO in (V-1) to buy beer at "G-Wheel" liquor store. DAYZIE

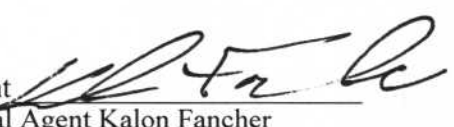
stated they bought "three cases of St. Ides" forty ounce bottles of malt liquor. DAYZIE stated they were traveling back to Round Rock, AZ, they were all sharing bottles of malt liquor and estimated that he had drank one forty ounce bottle of malt liquor himself. He stated he was driving (V-1) "southwest" from New Mexico Highway 491 on Route 13 when he stated the sun was in his face and a car was traveling east towards him and he saw a trailer parked on the side of the road that was "half on the road." He stated "it's either I hit the other vehicle or I hit the trailer." He stated he hit the end of the trailer and flipped right over."

6. Affiant spoke to DAYZIE's wife T.D., Y.O.B. 1977 (hereinafter referred to as JANE DOE-1) who stated on December 09, 2017 DAYZIE was driving her and JOHN DOE-1 back to Round Rock, AZ from Cortez, CO where they purchased intoxicating liquor. JANE DOE-1 stated they were all drinking intoxicating liquor and said DAYZIE drank approximately ½ of a 40 ounce bottle of malt liquor. JANE DOE-1 stated she fell asleep and woke up when DAYZIE hit the back of a trailer parked along the side of the road. JANE DOE-1 stated (V-1) flipped over. She stated JOHN DOE-1 was thrown out of (V-1) and she tried to wake him up but he was not responding.
7. Upon arrival Law Enforcement was advised that JOHN DOE-1 was pronounced deceased at the scene. Office of the Medical Investigators (OMI) responded to the scene and recovered JOHN DOE-1 and will conduct an autopsy. OMI conducted a preliminary exam and determined that JOHN DOE-1 died from the injuries he sustained from the vehicle accident.
8. DAYZIE was transported to Indian Health Services where hospital staff recovered blood

samples from DAYZIE. The blood samples are currently being preserved by the hospital. The blood samples have not been tested for DAYZIE's B.A.C. at the time of the incident but Law Enforcement will apply for a search warrant to recover the blood samples to determine DAYZIE's B.A.C..

SUMMARY

9. In view of the above facts, the affiant submits there is probable cause to believe that JEROME DAYZIE, who is an enrolled member of the Navajo Nation Indian Tribe, and with a year of birth of 1973, did kill JOHN DOE-1 by driving a motor vehicle and striking another motor vehicle, ejecting JOHN DOE-1 out of (V-1), acting with a reckless disregard for human life in violation of title 18, United States Code, Section 1112, Involuntary Manslaughter, and that the above occurred within the boundaries of the Navajo Nation Indian Reservation, in violation of title 18, United States Code, Section 1153, Crime occurring in Indian Country, NMSA 66-8-102, Driving under the influence of intoxicating liquor, and 66-8-113, Reckless Driving.

Affiant 
Special Agent Kalon Fancher
Federal Bureau of Investigation

Subscribed and sworn before me
on this 11 day of December, 2017


United States Magistrate Judge

